

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Tracking of)
 (Identify the person to be tracked or describe)
 the object or property to be used for tracking))
 2006 Gray BMW X5, Ohio License Plate GIM8325, VIN:)
 5UXFA13596LY42717, Titled to Patricia Burke, 4460)
 Keeler Drive, Columbus, Ohio 43227)

Case No. 2:22-mj-766

APPLICATION FOR A TRACKING WARRANT

I, a federal law enforcement officer or attorney for the government, have reason to believe that the person, property, or object described above has been and likely will continue to be involved in one or more violations of 21 U.S.C. § 841. Therefore, in furtherance of a criminal investigation, I request authority to install and use a tracking device or use the tracking capabilities of the property or object described above to determine location. The application is based on the facts set forth on the attached sheet.

- ☒ The person, property, or object is located in this district. ☐ The activity in this district relates to domestic or international terrorism.
- ☐ The person, property, or object is not now located in this district, but will be at the time of execution. ☐ Other:

The tracking will likely reveal these bases for the warrant under Fed. R. Crim. P. 41(c): (check one or more)

- ☒ evidence of a crime; ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime; ☐ a person to be arrested or a person who is unlawfully restrained.
- ☒ I further request, for purposes of installing, maintaining or removing the tracking device, authority to enter the following vehicle or private property, or both:
The driveway of 4460 Keeler Drive, Columbus, Ohio 43227

- ☒ Delayed notice of 30 days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me and signed in my presence.

Date: 12/05/2022City and state: Columbus, Ohio

Applicant's signature

Justin Myers, Special Agent

Applicant's printed name and title

Chelsey M. Vascara

United States Magistrate Judge

Judge's signature

Chelsey M. Vascara, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES FOR A
WARRANT AUTHORIZING THE
ATTACHMENT/PLACEMENT,
MONITORING, MAINTENANCE, AND
REMOVAL OF AN ELECTRONIC GPS
TRACKING DEVICE IN/ON A 2006 GRAY
BMW X5 BEARING OHIO PLATE:
GIM8325 AND VIN: 5UXFA13596LY42717**

Case No. 2:22-mj-766

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR TRACKING WARRANT
PURSUANT TO 18 U.S.C. § 3117 AND FED. R. CRIM. P. 41**

I, United States Homeland Security Investigations (HSI), Special Agent (SA) Justin Myers, being first duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. I am assigned to the HSI office in Westerville, Ohio and make this affidavit in support of an application requesting authorization to attach/place an electronic Global Positioning System (GPS) tracking device in/on a 2006 Gray BMW X5 bearing State of Ohio license plate: GIM8325 and VIN: 5UXFA13596LY42717 (hereafter referred to as TARGET VEHICLE) within the Southern District of Ohio; to monitor and maintain said tracking device for a period of 45 days from the date the warrant is issued on both public and private property, both within and outside of the Southern District of Ohio, so long as the vehicle is within the United States; and to remove said tracking device from the vehicle after the use of the tracking device has ended. Upon information and belief, the vehicle is presently being used in furtherance of federal criminal offenses, including knowingly or intentionally manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense a controlled substance in violation of 21 U.S.C. § 841(a)(1). I submit that there is probable cause to believe that the monitoring of the tracking device will lead to additional evidence, fruits and instrumentalities of this offense. The

monitoring of the tracking device is necessary so that investigators may determine the approximate location of the vehicle during suspected criminal activity.

2. I have been employed by HSI since June of 2004. I gained experience through a bachelor's degree in Criminology, a master's degree in Forensic Science, completion of the Federal Criminal Investigator Training Program (CITP), and completion of the HSI Investigations Academy. During training at CITP and the HSI Academy, I was instructed in all phases of criminal investigation such as: Criminal Law, Search and Seizure, Field Enforcement Techniques, Firearms Proficiency, and Interviewing and Evidence. I completed the HSI Cyber Undercover Training Course and the HSI Advanced Cryptocurrency and Darknet Training Course. I am responsible for enforcing federal criminal statutes including, but not limited to, controlled substance violations, pursuant to 21 U.S.C. § 841.

3. I have personally participated in the investigation set forth below. The facts in this affidavit come from my personal observations, training, and experience, as well as review of documents and information obtained from other law enforcement personnel and witnesses. When I rely on statements made by others, such statements are set forth only in part and in sum and substance unless otherwise indicated. I believe the information to be true and reliable. Because the purpose of this affidavit is limited to demonstrating probable cause for the requested warrant, it does not set forth all my knowledge about this matter. It sets forth only the facts that are believed to be necessary to establish probable cause. I did not withhold any information or evidence that would negate probable cause.

Background of Investigation and Probable Cause for Tracking Warrant

4. On October 24, 2022, United States Customs and Border Protection (CBP) selected an international parcel (FedEx # 27909845570) for examination that was inbound into the United States from the country of China. The parcel was scheduled to be delivered to "Kwade" at 4460 Keeler Drive, Columbus, Ohio 43227. The contents of the parcel were manifested as "SCREW" with a declared value of \$50.00.

5. Upon examination and a physical inventory of the contents of the parcel, CBP determined the contents to contain one pill press die set (upper and lower punch with receiving die). The die set contained markings consisting of a logo of square box with a letter “M” inside of the box and the number “30”. CBP seized the contents pursuant to 19 U.S.C. § 1595a(c)(2)(A), 21 U.S.C. § 863(a)(3), and 21 U.S.C. § 863(d). The evidence was turned over to HSI.

6. State of Ohio databases identified Patricia Burke and Kah’Lil Kiree Lamonte WADE as current residents of 4460 Keeler Drive, Columbus, Ohio 43227. The seized parcel was scheduled to be delivered to “Kwade” at that residence, which is consistent with the name Kah’Lil Kiree Lamonte WADE. Investigators identified Patricia Burke as WADE’s grandmother. The TARGET VEHICLE is registered to Patricia Burke at the same address.

7. Department of Homeland Security databases list a past international parcel from China scheduled to be delivered to Ashley MCNEIL at the 4460 Keeler Drive address. The parcel entered the United States on February 26, 2022. The parcel was manifested as a “PRESS MACHINE.” CBP did not inspect the parcel. The parcel was not seized. CBP released the parcel to United States Mails for delivery to the scheduled recipient. I know that past international parcels seized by CBP manifested as “PRESS MACHINE” have either contained a full pill press or pill press parts. I also know that ordering a pill press or pill press parts and the subsequent pill press die set is consistent with somebody that is currently producing, or attempting to produce, pills.

8. State of Ohio databases list WADE and MCNEIL as residing together at previous addresses, along as at the 4460 Keeler Drive address. Investigators determined MCNEIL to be WADE’s former girlfriend. On April 05, 2022, WADE pled guilty in the Franklin County, Ohio Municipal Court to a Domestic Violence charge for assaulting MCNEIL. They no longer appear to reside together.

9. The Drug Enforcement Administration's (DEA) Tactical Diversion Squad (TDS) in Columbus, Ohio identified the markings on the seized pill press die set as markings consistent with a 30mg oxycodone pill made by the company Mallinckrodt Pharmaceuticals. The TDS stated the seized pill press die set appears to be counterfeit and that the markings placed on the die set are slightly different than a legitimate die set. The TDS also stated that WADE nor MCNEIL have reported the importation and operation of a pill press to the DEA as required under 21 U.S.C. § 1310.05.

10. On or about October 31, 2022, DEA SA Chris Caplin and DEA Task Force Officer (TFO) Andy Wuertz conducted surveillance at the 4460 Keeler Drive address. At approximately 1538 hours, TFO spotted the TARGET VEHICLE departing the 4460 Keeler Drive address. TFO Wuertz identified the driver of the vehicle as WADE.

11. On or about November 10, 2022, SA Caplin, TFO Wuertz, HSI SA Greg Libow, and I conducted surveillance at the 4460 Keeler Drive address. The TARGET VEHICLE was parked in the driveway to the residence. At approximately 1515 hours, the TARGET VEHICLE departed the address. TFO Wuertz identified the driver of the vehicle as WADE. Investigators attempted to follow the vehicle but were unable to do so. WADE was driving at a high rate of speed and violating other traffic laws by making turns where turns were prohibited. There was also heavy traffic in the vicinity of the 4460 Keeler Drive address.

12. On December 02, 2022, WADE was arrested at the Hollywood Casino in Columbus on a state felony warrant for receiving stolen property. At the time arrest, WADE had a bag on his person containing a couple dozen pills. The pills were rectangle in shape and green in color. Each pill contained the marking "S 90 3". That marking is associated with Alprazolam (Xanax), a Schedule IV controlled substance. The pills will be sent to a forensic laboratory for further analysis.

13. WADE used the TARGET VEHICLE to drive to Hollywood Casino. The Investigators looked through the window of the vehicle and observed a few pills on one of the seats. The pills were rectangle in shape and green in color just like the pills found on WADE during his arrest.

14. Based on investigative efforts to date, I believe WADE is the primary driver of the TARGET VEHICLE. Investigators have never observed anybody else other than WADE drive the TARGET VEHICLE, nor have investigators observed WADE drive any other vehicle. When arrested at the Hollywood Casino on December 02, 2022, WADE was in possession of a couple dozen pills of what appears to be Alprazolam (Xanax), a Schedule IV controlled substance. Like pills can currently be seen on a seat in the TARGET VEHILCE. Based on my training and experience, I know that drug traffickers often use any means available to them to transport controlled substances. I also know that drug traffickers use their vehicles to transport controlled substances, often through interstate commerce. I believe WADE is using the TARGET VEHILCE to transport controlled substances.

Conclusion

15. Based on the foregoing information, I believe there is probable cause that WADE is using the TARGET VEHICLE to facilitate violations of 21 U.S.C. § 841(a)(1). Authorizing the use of an electronic tracking device in/on the TARGET VEHICLE will assist investigators with monitoring the location of the vehicle and WADE's movements, without the risk of detection, and will further the current investigation by producing more specific evidence about WADE's suspected controlled substance activities. Investigators vehicle assets are extremely limited. Due to the small inventory of surveillance vehicles and WADE's driving behaviors, continued physical surveillance using the available vehicles generates a significant risk of detection.

16. Through surveillance, investigators observed the vehicle parked at the 4460 Keeler Drive address and move around during daytime hours. The vehicle is currently parked at the Hollywood Casino in Columbus but may no longer be when investigators are authorized to

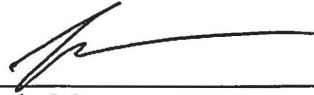
utilize the tracking device. Due to the frequent movement of the vehicle and the resulting likelihood that it will not be parked in a place where investigators will have access to it during the daytime hours, I request this Court allow investigators to attach/place, monitor, maintenance, and eventually remove, the tracking device at any time during the day or night while it is parked in the driveway of the 4460 Keeler Drive address.

17. In the event that the Court grants this application authorizing the use of the tracking device, there will be periodic monitoring of the tracking device, on both public and private property, during both daytime and nighttime hours, for a period of 45 days. It is requested that the warrant and accompanying affidavit/application in support of the warrant be sealed until further order of the Court, in order to avoid premature disclosure of the investigation, except that copies of the warrant in full or redacted form may be maintained by the United States Attorney's Office, and may be served on other law enforcement agents, including state and local law enforcement officers, to the extent necessary to effectuate the warrant.

18. In accordance with 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), I further request that the Court authorize notice to be delayed for a period of thirty (30) days after the termination of the monitoring period authorized by the warrant, or any extensions thereof, as listed in 18 U.S.C. § 2705, as there is reasonable cause to believe that immediate notification may have an adverse result on an ongoing investigation, by alerting the subject to the existence of the investigation and allowing the subject the opportunity to flee and/or destroy evidence.

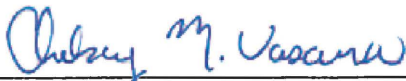
19. Thus, I respectfully request that this Court issue a warrant authorizing HSI Special Agents and other state and local law enforcement officers who are involved in this investigation, to attach/place an electronic GPS tracking device in/on the TARGET VEHICLE within the Southern District of Ohio; to monitor and maintain said tracking device for a period of 45 days from the date the warrant is issued on both public and private property, both within and outside

of the Southern District of Ohio, so long as the vehicle is within the United States; and to remove said tracking device from the vehicle after the use of the tracking device has ended.



Justin Myers
Special Agent
Homeland Security Investigations

Affidavit submitted by email and attested to me as true and accurate by telephone consistent with Fed. R. Crim. P. 4.1 and 41(d)(3) on this 5th day of December 2022.



Chelsey M. Vascara
United States Magistrate Judge
Southern District of Ohio